FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPEAL NO. 628 OF 1993
WITH.
CRIMINAL APPEAL NO. 629 OF 1993.

The State of Maharashtra. ..Appellant.
vs.
K.N.Shaikh. ..Respondent.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri D.P. Adsule, A.P.P. for the State.
Shri G.H. Keluskar for the respondent.
(in both matters).

CORAM: V.M.KANADE,J.
DATED: 22-2-2005.

P.C.:

1. Heard learned A.P.P.for the State and learned Counsel appearing for the respondent.

2. The State has challenged the judgment and order passed by the Chief Judicial Magistrate, F.C., Thane. By the said judgment and order dated 17.8.1993, the trial Court was pleased to acquit the accused of the offences because the complainant and the accused had remained absent.

3. Learned A.P.P. for the State has taken me through the roznama which shows that complainant was present on almost all

the dates except on 19.12.1992 and 17.8.1993. In view of this, the trial Court should have given an opportunity to the complainant who had diligently attended the case.

4. In the circumstances, the order of the trial Court is set aside and complaint is restored to file. Appeals are allowed in the above terms.

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